



NY 78  
Box 586

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Seema Garde, et al.  
For : **PHARMACEUTICAL PREPARATIONS AND  
METHODS FOR INHIBITING TUMORS**  
Serial No. : 09/977,406  
Filed : October 15, 2001  
Art Unit : 1615  
Attorney Docket No. : CLW 2 0147

**RESPONSE TO NOTICE TO FILING MISSING PARTS  
OF NONPROVISIONAL APPLICATION - *Filing Date Granted***

Assistant Commissioner of Patents  
Washington, D.C. 20231

Dear Sir:

Responsive to the Notice to File Missing Parts issued April 11, 1996 on the above-captioned patent application, a "Declaration For Patent Application" is enclosed herewith. The enclosed Declaration has been duly executed by the inventors identified in those papers originally filed with the application.

**CERTIFICATE OF MAILING**

I hereby certify that this **RESPONSE TO NOTICE TO FILING MISSING PARTS OF NONPROVISIONAL APPLICATION - *Filing Date Granted*** and all other documents indicated therein as being enclosed are being deposited with the United States Postal Service in an envelope with sufficient postage for First Class Mail on the date indicated below and is addressed to the Assistant Commissioner for Patents, Washington, D. C. 20231.

Mary M. Schriener  
Mary M. Schriener

March 19, 2002  
Date

09977406-032802

A check in the amount of one-hundred, thirty dollars (\$ 130.00) is enclosed to cover the surcharge required under 37 CFR 1.16(e) for filing the Declaration later than the filing date of the application itself. The foregoing submissions are believed to meet the requirements of the Notice to File Missing Parts, and the applicant awaits further action on the application from the Patent and Trademark Office.

**Informalities:**

Responsive to the Notice regarding informalities in the application, Applicants enclose herewith substitute page 114 and 121 in compliance with 37 CFR 1.52(a). These substitute pages introduce no new matter into the application.

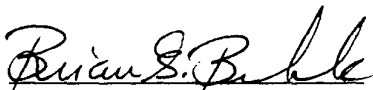
Formal drawings were previously submitted.

The content of the Sequence listing information previously submitted in recorded computer-readable form is identical to the previously submitted written sequence listing and includes no new matter.

A substitute computer readable form (CRF) copy of the sequence listing is enclosed. Substitute pages (33 pages) of the sequence listing are also enclosed which are identical to the CRF copy and contain no new matter. These substitutions also contain no new matter with respect to the originally filed sequence listing .

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP



Timothy E. Nauman

Reg. No. 32,283

Brian G. Bembenick

Reg. No. 41,463

1100 Superior Avenue, 7th Floor

Cleveland, Ohio 44114-2518

(216) 861-5582

**PRELIMINARY AMENDMENT TRANSMITTAL LETTER**

Atty Docket No.: LD CLW 2 0147



Serial No.: 09/977,406	Filing Date: October 15, 2001	Examiner: Unassigned
Group Art Unit: 1615	Invention: <b>PHARMACEUTICAL PREPARATIONS AND METHODS FOR INHIBITING TUMORS</b>	

To the Commissioner of Patents and Trademarks:

Transmitted herewith is an amendment in the above-identified application. The fee has been calculated as shown below.

CLAIMS AS AMENDED						
	Claims remaining after amendment		Highest Number Previously Paid For	No. of Extra Claims Present	Rate	Additional Rate
Total Claims	183	Minus	95	-88-	X 18.	\$ 1,584.00
Indep. Claims	32	Minus	32	-0-	X	\$ 0.00


  X   A check in the amount of \$ 1,584.00 is enclosed.

  X   Please charge any additional fees or credit overpayment to Deposit Account No. 06-0308. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

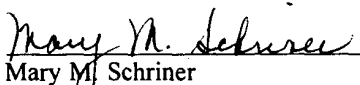
FAY, SHARPE, FAGAN,  
MINNICH & MCKEE, LLP

Date: March 19, 2002

  
Timothy E. Nauman  
Reg. No. 32,283  
Brian G. Bembenick  
Reg. No. 41,463  
1100 Superior Avenue, 7th floor  
Cleveland, Ohio 44114-2518  
(216) 861-5582

**CERTIFICATE OF MAILING**

I hereby certify that this **PRELIMINARY AMENDMENT TRANSMITTAL, PRELIMINARY AMENDMENT**, and all documents therein referred to as being attached thereto, are being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231, on March 19, 2002.

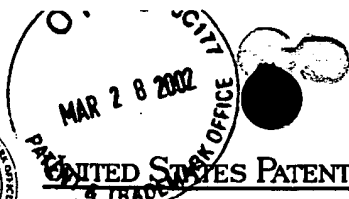
By:  Date: March 19, 2002  
Mary M. Schriener

09/977,406-032802

**DISK TO STIC**

**DATE:**





UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/977,406	10/15/2001	Seema Garde	CLW 2 0147

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP  
7th Floor  
1100 Superior Avenue  
Cleveland, OH 44114-2516

RECEIVED

NOV 26 2001

FAY, SHARPE, BEALL, FAGAN,  
MINNICH & McKEE

CONFIRMATION NO. 4176

FORMALITIES LETTER



\*OC000000007089853\*

Date Mailed: 11/19/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52 because:
  - The specification cannot be scanned or properly stored. Page(s)
    - Papers must be legibly written either by a typewriter or mechanical printer in permanent ink or its equivalent in portrait orientation on flexible, strong, smooth, non-shiny, durable, and white paper. Application papers must be presented in a form having sufficient clarity and contrast between the paper and the writing thereon to permit the direct reproduction of readily legible copies in any number by use of photographic, electrostatic, photo-offset, and microfilming processes and electronic reproduction by use of digital imaging and optical character recognition. Pages **114 & 121** are not in compliance with 37 CFR 1.52(a). *The drawings filed are unacceptable because:*

"DOCKETED"

04/01/2002 CCHAUI 00000110 09977406  
02 FC:105 130.00 OF  
03 FC:103 1504.00 OF

20020909 09:47:40 032802

*Replacement page(s), together with a statement that the replacement page(s) contain no new matter, are required.*

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

---

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

2009220-9074660